

Rocky Flats Coalition of Local Governments

Boulder County City and County of Broomfield Jefferson County
City of Arvada City of Boulder City of Westminster Town of Superior

Rocky Flats Coalition of Local Governments Board Meeting Minutes

Monday, November 5, 2001

8:00 – 11:00 a.m.

**Mt. Evans Room in the Terminal Building
Jefferson County Airport, Broomfield**

Board members in attendance: Tom Brunner (Director, Broomfield), Mike Bartleson (Alternate, Broomfield), Sam Dixon (Director, Westminster), Lorraine Anderson (Director, Arvada), Ken Fellman (Alternate, Arvada), Lisa Morzel (Director, City of Boulder), Mike Weil (Alternate, City of Boulder), Paul Danish (Director, Boulder County), Michelle Lawrence (Jefferson County, Director), Nanette Neelan (Alternate, Jefferson County), Karen Imbierowicz (Director, Superior).

Note: There were initially only five voting Board members in attendance.

Coalition staff members and consultants in attendance: David Abelson (Executive Director), Melissa Anderson (Technical Program Manager), Kimberly Chleboun (Program Manager), and Barbara Vander Wall (Seter & Vander Wall, P.C.).

Members of the Public: John Corsi (Kaiser-Hill), Dave Shelton (Kaiser-Hill), Bob Nininger (Kaiser-Hill), Anna Martinez (DOE), Joe Legare (DOE), Mark Sattelberg (USFWS), Dean Rundle (USFWS), Kathleen Rutherford (CDPHE), Marion Galant (CDPHE), Steve Gunderson (CDPHE), Tim Rehder (EPA), Rob Henneke (EPA), Ken Korkia (RFCAB), Shirley Garcia (City of Broomfield), Kristi Pollard (Senator Allard), Terry VanKeuren (Congressman Tancredo), Theresa Sauer (Governor Owens), Congressman Mark Udall, Doug Young (Congressman Udall), Doris DePenning (Friends of the Foothills), Roman Kohler (Rocky Flats Homesteaders), Hildegard Hix (Sierra Club), Paula Elofson-Gardine (Environmental Information Network), Gail Bange (Wackenhut), Dan Chesshir (RFSOIU Local #1), Anthony DeMaiori (USWA Local# 8031), Filiberto Cruz (RFSOIU Local #1), Linda Tharp (Arvada Sentinel).

Convene/Agenda Review

Chairman Danish called the meeting to order at 8:15 a.m. Senator Allard was unable to attend the meeting, thus the Coalition staff had revised the schedule and substituted an update on waste management. Lisa Morzel motioned to approve the revised agenda. Tom Brunner seconded the motion. The motion passed 5-0. (Superior and Westminster were not present.)

Business Items

- 1. Motion to Approve Consent Agenda** – Kimberly Chleboun provided the Board with changes to the minutes, requested by Steve Gunderson, prior to the meeting. Lisa Morzel motioned to approve the consent agenda with the proposed changes to the minutes. Lorraine Anderson seconded the motion. The motion passed 5-0. (Superior and Westminster were

not present).

2. **Executive Director's Report** - David Abelson began by advising the Board the Guard Tower demolition would occur this Saturday, November 10th. Second, he directed the Board's attention to letters in the Board packet from Jessie Roberson and Joe Legare regarding the possibility the Site may miss future milestones. Steve Gunderson, CDPHE, said the RFCA parties have no specifics yet, but staying on schedule for TRU waste shipments may be a big challenge. David next reported that shipments to the Savannah River Site have not received final headquarters approval, but there is a "gentleman's agreement" between DOE and South Carolina to proceed. Fourth, David advised the Board that concerns had been raised at the last Stewardship Working Group meeting over the Site's approach to long-term stewardship. He explained the working group was concerned about DOE's ability to work with them, but they had a meeting scheduled for the next day at the Site to discuss their frustrations and path forward. Fifth, he said there had been a sitewide work pause due to chemical exposures in Building 776 on October 12th. Apparently a worker was opening canisters without the proper work authorization and several workers became ill. Last, David distributed copies of the monthly Site performance status update.
3. **Review Draft Budget** – David Abelson asked the Board to review the draft Coalition budget and provide feedback for changes in preparation for the formal budget hearing to be held at the December 3rd meeting. He noted the budget includes slight increases that are to be expected for salary and contractual costs that rise over time. Ken Fellman asked if the budget reflected the DOE stewardship grant, including specific plans as to how it would be used and when. David replied it would partially depend on when the grant is actually received, and on the strategic planning process. He explained the grant would be used to cover operations to continue work the Coalition is already performing, and cover outside expenditures such as consultants. David created a line item for this under long-term protection.
4. **Information update** – Melissa Anderson briefed the Board on information received on the tunnels, which the Board requested during the September meeting. She distributed maps showing the tunnel locations, and described the degree of characterization of each. Of note is the tunnel between buildings 771 and 776/777, which is contaminated with plutonium from the Building 776 fire, and the tunnel between Building 771 and 771 stack, which was contaminated but now meets unrestricted release criteria.

Visit from Representative Mark Udall

Representative Udall dropped in to briefly visit with the Board since he was in the airport to meet with airport officials regarding the aviation ban put in place by the Department of Transportation. Rep. Udall began by updating the Board on the status of the refuge bill, which is currently in conference committee. He said it is a done deal with the exception of minor changes to technical language, and expects it to be on the President's desk very soon. He also shared concerns over the potential for terrorists to target Rocky Flats and the necessity to take the security seriously. Rep. Udall said because of this danger, the Site must continue working on cleanup and moving materials to a secure location in order to protect the 2 million plus citizens in the Denver metro area. He acknowledged South Carolina's recalcitrance about accepting Rocky Flats' materials, but was still guardedly optimistic the issues would be resolved. Rep. Udall said since September 11th, everyone realizes the importance of moving materials to safe and secure sites.

Lorraine Anderson stated concern that CDPHE and EPA may lower cleanup standards due to a lack of money since September 11th, but she remains convinced cleanup is even more important

now to avoid continued negative economic impact, such as the airport closures. Rep. Udall said they now realize what important economic drivers the local airports are, but it is important to minimize danger as well. He added authorities must also use common sense, as a small Cessna would not pose the same threat as a jet loaded with fuel. Ken Fellman said it remains important the Site not become a permanent storage facility. Dan Chesshir said the Site security force appreciates the no-fly zone being reinstated. Their staff numbers are low as they have lost 45% of the workforce since they ratified their contract several years ago, and they are still trying to cover the same duties with less people. He added they have more duties since the reconfiguration of the Protected Area. Rep. Udall said it is important to find a way to make sure they have the help they need so morale isn't affected, and he understands they can only work at this heightened level of security for so long. Dan also said since the Site is classified as a closure site they are at the bottom of the list for security.

Tom Brunner commented on Dan's remarks and noted hearing more now about "dirty nukes" and the need to protect special nuclear materials. He said he realizes how difficult it will be to balance funds, but the Coalition is willing to help Rep. Udall do what is necessary in Washington, D.C. in order to achieve goals for cleanup and safety. Rep. Udall said he continues to urge Congress to invest in foreign aid to ensure former Soviet scientists are not attracted to the financial awards of passing information to rogue states. This would only be 3/10 of 1% of foreign aid. He said in the long run the only way to win the war against terrorism is by creating a greater sense of hope, and in the end the value system will win the campaign. Part of the way to do that is to keep nuclear materials out of terrorist's hands, but we must also help countries develop economically and politically.

Lorraine and Sam Dixon both raised the issue of DOE commitment to long-term stewardship and the necessity to clean the Site to the extent possible and remove contamination so security is less of an issue. Rep. Udall said he would be happy to talk to Barbara Mazurowski or Bob Card on their behalf. He also committed to Michelle Lawrence that he would do what he can to get the Jefferson County airport fully operating. Michelle said she is concerned about the economic problems that could occur if the aviation ban were to be long-term.

Public Comment

There was no public comment offered at this time.

Soil Action Level Briefing

Melissa Anderson began by summarizing highlights of the health effects workshop. She also explained the background of the RSAL discussion, the status of the Task 3 report, and the importance that the Coalition consider the RSAL policy implications. She then introduced Tim Rehder, EPA.

Tim Rehder provided a background on the current RSALs which were calculated in 1996. The current RSAL is 562 picocurie per gram (pCi/g) for the Industrial Area, based on a 15 mRem dose to an office worker (anticipated user based on RFCA), and 651 pCi/g for the Buffer Zone, based on an 85 mRem dose to a suburban resident (unanticipated user). Tim explained these RSALs are currently being reevaluated as they have more information since 1996, including changed regulations, technical information, future use information, and the independent RAC review. Tim noted RAC's modeling of the effects of a wildfire would be an important addition to calculating new numbers.

Tim then explained how the new RSAL has been calculated, including RESRAD modeling for dose and standard EPA risk equations for risk, as well as probabilistic analysis. The dose method calculates the amount of exposure over a given period of time and is then multiplied by a dose conversion factor, in terms of unit dose per picocurie. EPA considers an acceptable dose 15 millirem per year. The risk method calculates exposure similarly, but is multiplied by a cancer slope factor, in terms of unit risk per picocurie. According to CERCLA, an acceptable risk range is 10^{-4} to 10^{-6} , or one in 10,000 to one in 1,000,000 excess cancer risk. Tim also explained that probabilistic analysis incorporates distributions instead of single point values in order to calculate the 95th percentile.

Tim next described the Task 3 report, including future use scenarios, exposure pathways, and the selection of input parameters. Future use scenarios were calculated for a refuge worker (the anticipated user), rural resident (most likely unanticipated user), open space user and office worker (RFCA assumptions). He displayed a table reflecting the Task 3 results and numeric levels corresponding to annual dose and risk range for each future use scenario. Tim explained they will not be using the numbers calculated for dose since they do not fall within the CERCLA risk range, but will be using the numbers calculated using risk levels from the EPA equation. Tim stated they would be pushing for a number within the risk range for the refuge worker, which range from 490 to 5 pCi/g. He also recounted the variability and uncertainty that went into the risk assessment, but stressed that although they had to make some assumptions due to a lack of data, their inputs were conservative. Tim also provided an overview of the content of the report appendices. He emphasized that cleanup is not limited to the RSAL, but factors such as ALARA, stewardship, surface water protection, and cleanup mechanics could cause the cleanup level to be lower than the RSAL. In explaining cleanup mechanics he provided the example of using a front-end loader to remove soil in an area with soil contamination above the RSAL. Tim stated the contamination is largely in the top inch of soil, but the smallest cut from this equipment is approximately 6 inches. Thus, what is left is basically at background levels or less than 1.

Ken Fellman asked how cost would factor into cleanup levels, and if the RFCA parties had been discussing getting to a lower RSAL by storing waste onsite. Tim acknowledged the biggest cost may be waste shipment and disposal, but they are looking at other technologies to potentially reduce the volume of waste generated, such as a vacuum to remove soil which could decrease volume by six times. Steve Gunderson and Joe Legare, who were aiding in the presentation, said there are many other factors involved in cleanup. Joe said the concept of storing some waste onsite had been discussed, but not in discussing RSALs. He illustrated how the discussion broadens from RSALs to cleanup and incorporates not just surface soil, but subsurface soil and surface water. When the RFCA parties look at the cost/benefit analysis they need to look at management options and balance the risk posed by surface versus subsurface. Joe stated these conversations must be integrated or they will not be making the wisest decisions in balancing resources.

Paul Danish expressed frustration that the Site had claimed to clean the 903 Pad twice in the past, with little success. Steve and Tim said they didn't have current information on that and could not speak to the past, but wanted to make sure it is handled properly this time around. Steve added that no matter how good the cleanup, a rigorous stewardship plan would still be necessary. Lisa Morzel then raised the issue of characterization of the 903 Pad and Lip Area. Joe, Tim and Steve addressed her concerns by explaining 1) thousands of samples were analyzed in July 1998, which confirmed contamination location and depth; 2) they will perform confirmation sampling after remediation; 3) regulators will be in the field during remediation and after; 4) they are also analyzing pathways and treatment systems for VOCs and metals, and; 5) they do look at

cumulative effects of different contaminants. Lorraine Anderson asked if they had compromised, or been asked to compromise, any cleanup issues due to possible budget restrictions since September 11th. Steve said no, and they do not anticipate changing any standards. Tim responded if the budget is reduced greatly it could affect the timing of cleanup and closure.

Lorraine then asked if the RFCA parties would be negotiating with the Coalition as a whole or with individual communities. Steve replied they would talk with each community to get individual input, but would ultimately talk to the Coalition as a whole. Ken said he is concerned with the Site's "divide and conquer" method of getting to an endstate agreement, and he wants the cities already in negotiations to move the discussion to the entire Coalition Board. Joe said they have not been negotiating with anybody, but they have had individual requests from cities to discuss cleanup issues. He mapped out endstate issues on the whiteboard and again said all these management options should be integrated with each other and balanced with risk and budget constraints. He added it simply won't be possible to get the entire site to 10^{-6} , but the Site needs to hear the Board's priorities and what is acceptable to all of them. The Board then went into a lengthy discussion of private meetings, sharing information, issues of trust, the public process, and the importance of the Coalition speaking with one voice.

Tim completed the presentation by presenting a graph which compares the risk ranges for the refuge worker and rural resident scenarios and illustrates how the two overlap. He pointed out that, should controls fail, a 10^{-5} refuge worker RSAL would still be protective of the 10^{-4} rural resident.

Waste Management Update

Scott Anderson, Kaiser-Hill, provided the Board with an update on the status of waste shipments and storage. Highlighting the Site's progress in 2001, Scott said they had shipped more TRU waste in FY01 than in all previous years combined, and more than any other Site in the DOE complex. They averaged 3 TRU waste shipments a week, and completed construction on an additional shipping facility to increase shipping capacity by 200%. The Site hopes to thus double their TRU waste shipments in FY02 and average 8 shipments per week. Scott said they also made great strides in shipping low level waste (LLW) by shipping 70% more waste in FY01 than the prior year, and by shipping more waste than was generated. The Site has also implemented "point of generation" shipping, which saves money and increases efficiency by eliminating container move and reducing storage requirements. He noted they also hope to double low level waste shipments in the coming year and possibly reduce the legacy inventory on hand. Scott added that they have awarded low level mixed waste subcontracts, including the subcontract for the single largest remaining waste stream, the Solar Pond sludge. This means the Site now has initiated or completed the treatment/disposal of five waste streams. They plan to maintain shipping rates to ensure there is no net increase in the low level mixed waste inventory.

Scott also presented graphs, which reflect Site waste inventory status and site-wide storage capacity. Although the Site inventory for LLW is much greater than TRU waste, LLW is much easier and quicker to characterize and ship. Their biggest concern is if the new RSAL is radically different from the assumed 100 pCi/g, much more waste than they had originally planned on will be generated. The Site does not expect to run out of storage space, but if they deemed it a potential problem they would have to evaluate slowing down waste generation. Scott clarified no new waste is being created, but waste is being generated as D&D work progresses and waste is moved into containers. He also explained there are still 2 TRU orphan waste streams and 21 low level mixed orphan waste streams. Scott said Hanford and the Nevada Test Site are working to get a

RCRA permit so they may become receiver sites for some of this mixed waste.

Round Robin

Superior – Karen Imbierowicz voiced concern about balancing the air threat posed by terrorists and the economic impact of keeping Jefferson County airport closed.

Westminster - Sam Dixon said Westminster shares the same concern.

Jefferson County - Nanette Neelan noted the Federal decision to shut the airport was made without any County input, even though they were greatly impacted by the decision.

Public Comment

Paula Elofson-Gardine said the shutdown of Jefferson County airport was an excellent example of what happens when you allow development to grow too close to a nuclear facility. She again requested the Site to consider performing an aerial gamma survey of contamination to determine how much it had actually migrated in the last 12 years.

Kristi Pollard said Senator Allard sends his greetings and regrets being unable to meet with the Board as planned.

Big Picture

David Abelson reviewed the big picture. At the December 3rd meeting the Board will have the budget hearing, review the strategic plan, and continue the soil action level discussion. Dean Rundle, USFWS, reminded the Board that after the refuge bill passes they would also need to get to work on the comprehensive management plan.

The meeting was adjourned by Paul Danish at 11:05 a.m.

Respectfully submitted by Kimberly Chleboun, Program Manager

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